

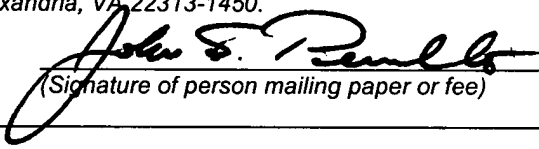
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard A. Gambale et al.  
Serial No.: Not Yet Assigned  
Filed: Herewith  
For: IMBEDDED INTRAMUSCULAR IMPLANTS  
Examiner: Thomas C. Barrett  
Art Unit: 3762

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Mail Stop Patent Application  
Commissioner for Patents  
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**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the applicants request consideration of this information disclosure statement.

**Compliance with 37 C.F.R. §1.97**

This information disclosure statement has been filed within three months of the filing date of a national application. No fee or certification is required.

**Compliance with 37 C.F.R. §1.98(d)**

This application is a continuation of application Serial No. 09/211,322 filed December 15, 1998. Information listed on the attached PTO 1449 form and marked with an asterisk (\*) indicates information that was also cited in the parent application in compliance with 37 C.F.R. §1.98(a)-(c). Copies of these references have not been resubmitted with this filing.

**Information Cited**

The applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the relative importance of the references.

**Explanation of Non-English Language References and  
Remarks Concerning Other Information Cited**

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

**DE 19703482, and DE 29619029U1** are German language documents. An English language Derwent abstract for each was provided with the parent application..

**FR 1,514,319 and FR 1,278,965** are French language documents. Due to the age of the documents, an English language abstract was not available from the Derwent World Patent Index database.

**RU 2026640 C1 and RU 2063179** are Russian language documents. An English language Derwent abstract for each was provided with the parent application..

**Remarks**

It is respectfully requested that:

- The examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability

of the present claims;

- The enclosed form PTO-1449 be signed by the examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
- The citations for the information be printed on any patent which issues from this application.

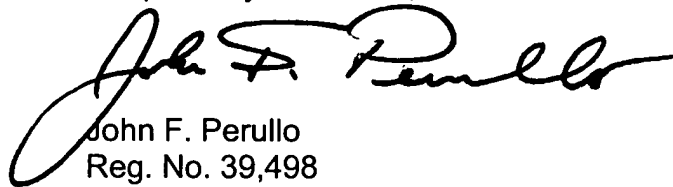
By submitting this information disclosure statement, the applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this information disclosure statement, the applicant makes no representation that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this information disclosure statement, the applicant makes no representation that the information cited in the statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is understood by applicant that the foregoing information will be considered and, to the extent deemed appropriate by the examiner, will be reflected in the examiner's communication.

Respectfully submitted,



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Docket No.: B0410/7280D1  
Date: January 29, 2004

Form PTO-1449 INFORMATION DISCLOSURE STATEMENT	Docket No.: B0410/7280D1	Serial No. Not Yet Known
	Applicant: Richard A. Gambale et al.	
	Filed: Herewith	Group: 3762

U.S. Patent Documents							
Ex.		Doc. No.	Date	Name	Class	Subcl.	Filed
	*	6,458,092	10/2002	Gambale et al.			
	*	6,447,522	09/2002	Gambale et al.			
	*	6,432,126	08/2002	Gambale et al.			
	*	6,263,880	07/2001	Parker et al.			
	*	6,251,418	06/2001	Ahern et al.			
	*	6,248,112	06/2001	Gambale et al.			
	*	6,227,082	08/2001	Gambale			
	*	6,197,324	03/2001	Crittenden			
	*	6,045,565	04/2000	Ellis et al.			
	*	5,980,548	11/1999	Evans et al.			
	*	5,980,514	11/1999	Kupieki et al.			
	*	5,971,993	10/1999	Hussein et al.			
	*	5,879,383	03/1999	Bruchman et al.			
	*	5,861,032	01/1999	Subramaniam			
	*	5,840,059	11/1998	March et al.			
	*	5,833,608	11/1998	Ellis Acker			
	*	5,830,502	11/1998	Dong et al.			
	*	5,824,071	10/1998	Nelson et al.			
	*	5,824,049	10/1998	Ragheb et al.			
	*	5,817,101	10/1998	Fiedler			
	*	5,810,836	09/1998	Hussein et al.			
	*	5,807,384	09/1998	Mueller			
	*	5,797,870	08/1998	March et al.			
	*	5,792,453	08/1998	Hammond et al.			
	*	5,785,702	07/1998	Murphy et al.			
	*	5,782,823	07/1998	Mueller			
	*	5,769,843	06/1998	Abela et al.			
	*	5,756,127	05/1998	Grisoni et al.			
	*	5,755,682	05/1998	Knudson et al.			
	*	5,744,515	04/1998	Clapper			
	*	5,741,330	04/1998	Brauker et al.			
	*	5,735,897	04/1998	Buirge			
	*	5,725,523	03/1998	Mueller			
	*	5,725,521	03/1998	Mueller			
	*	5,724,975	03/1998	Negus et al.			
	*	5,713,894	02/1998	Murphy-Chutorian et al.			
	*	5,690,643	11/1997	Bandular-Wijay			
	*	5,676,850	10/1997	Reed et al.			
	*	5,662,124	09/1997	Wilk			
	*	5,655,548	08/1997	Nelson et al.			
	*	5,653,756	08/1997	Clarke et al.			

U.S. Patent Documents							
Ex.		Doc. No.	Date	Name	Class	Subcl.	Filed
	*	5,643,308	07/1997	Markman			
	*	5,614,206	03/1997	Randolph et al.			
	*	5,602,301	02/1997	Field			
	*	5,593,434	01/1997	Williams			
	*	5,593,412	01/1997	Martinez et al.			
	*	5,571,168	11/1996	Toro			
	*	5,569,272	10/1996	Reed			
	*	5,562,922	10/1996	Lambert			
	*	5,562,619	10/1996	Mirarchi et al.			
	*	5,558,091	09/1996	Acker et al.			
	*	5,551,954	09/1996	Buscemi et al.			
	*	5,514,176	05/1996	Bosley, Jr. et al.			
	*	5,487,739	01/1996	Aebischer et al.			
	*	5,480,422	01/1996	Ben-Halm			
	*	5,476,505	12/1995	Limon			
	*	5,466,242	11/1995	Mori			
	*	5,464,650	11/1995	Berg et al.			
	*	5,464,404	11/1995	Abela et al.			
	*	5,458,615	10/1995	Klemm			
	*	5,453,090	09/1995	Martinez et al.			
	*	5,452,733	09/1995	Sterman			
	*	5,441,516	11/1995	Wang et al.			
	*	5,429,144	06/1995	Wilk			
	*	5,425,757	01/1995	Tiefenbrun et al.			
	*	5,423,885	06/1995	Williams			
	*	5,409,019	04/1995	Wilk			
	*	5,409,004	04/1995	Sloan			
	*	5,391,199	02/1995	Ben-Haim			
	*	5,389,096	02/1995	Alta et al.			
	*	5,386,828	02/1995	Owens et al.			
	*	5,380,316	01/1995	Alta et al.			
	*	5,372,600	12/1994	Beyar et al.			
	*	5,366,493	11/1994	Scheiner et al.			
	*	5,324,325	06/1994	Moaddeb			
	*	5,312,456	05/1994	Reed et al.			
	*	5,290,295	03/1994	Querals et al.			
	*	5,287,861	02/1994	Wilk			
	*	5,266,073	11/1993	Wall			
	*	5,256,146	10/1993	Ensminger et al.			
	*	5,190,058	03/1993	Jones et al.			
	*	5,180,366	01/1993	Woods			
	*	5,176,626	01/1993	Soehendra			
	*	5,172,699	12/1992	Svenson			
	*	5,167,614	12/1992	Tessman et al.			
	*	5,158,548	10/1992	Lau et al.			
	*	5,114,414	05/1992	Buchbinder			
	*	5,098,374	03/1992	Othel-Jacobsen et al.			
	*	5,087,243	02/1992	Avitall			

U.S. Patent Documents							
Ex.		Doc. No.	Date	Name	Class	Subcl.	Filed
	*	5,056,517	10/1991	Fenici			
	*	5,049,138	09/1991	Chevalier et al.			
	*	5,047,028	09/1991	Gian			
	*	5,042,486	08/1991	Pfeiler et al.			
	*	5,040,543	08/1991	Badera et al.			
	*	4,997,431	03/1991	Isner et al.			
	*	4,995,857	02/1991	Arnold			
	*	4,950,227	08/1990	Savin et al.			
	*	4,920,980	05/1990	Jackowski			
	*	4,917,666	04/1990	Solar et al.			
	*	4,904,264	02/1990	Scheunemann			
	*	4,861,330	08/1989	Voss			
	*	4,852,580	08/1989	Wood			
	*	4,813,925	03/1989	Anderson, Jr. et al.			
	*	4,785,815	11/1988	Cohen			
	*	4,774,949	10/1988	Fogarty			
	*	4,768,507	09/1988	Fischell et al.			
	*	4,733,665	03/1988	Palmaz			
	*	4,718,425	01/1988	Tamaka et al.			
	*	4,681,110	07/1987	Wiktor et al.			
	*	4,665,918	05/1987	Garza et al.			
	*	4,658,817	04/1987	Hardy et al.			
	*	4,655,771	04/1987	Wallsten			
	*	4,649,922	03/1987	Wiktor			
	*	4,641,653	02/1987	Rockey			
	*	4,582,181	04/1986	Samson			
	*	4,580,568	04/1986	Gianturco			
	*	4,562,597	01/1986	Possis et al.			
	*	4,546,499	10/1985	Possis			
	*	4,503,569	03/1985	Dotter			
	*	4,307,722	12/1981	Evans et al.			
	*	3,995,617	12/1976	Watkins et al.			
	*	3,991,750	11/1976	Vickery			

U.S. Patent Application Documents							
Ex.		Serial No.	Filed	Name	Class	Subcl.	Filed
	*	10/048,694	06/2002	Gambale et al.			
	*	10/048,205	05/2002	Gambale			
	*	09/990,644	11/2001	Gambale et al.			
	*	09/888,757	06/2001	Ahern et al.			
	*	09/774,320	01/2001	Gambale et al.			
	*	09/774,319	01/2001	Gambale et al.			
	*	09/743,726	04/2001	Gambale et al.			
	*	09/743,695	04/2001	Weiser et al.			
	*	09/368,119	08/1999	Tedeschi et al.			
	*	09/328,808	06/1999	Ahern			
	*	09/299,795	04/1999	Ahern			
	*	09/162,547	09/1998	Gambale			

U.S. Patent Application Documents							
Ex.		Serial No.	Filed	Name	Class	Subcl.	Filed
	*	09/159,834	09/1998	Cafferata			
	*	09/073,118	05/1998	Gambale			

FOREIGN PATENT DOCUMENTS							
Ex.		Doc. No.	Date	Name	Class	Subcl.	
	*	DE 29619029U1	04/1997	Kletka			
	*	DE 19703482	01/1997	Dotter			
	*	EP 0953320 A2	11/1999	Tuch			
	*	EP 0853921 A2	07/1998	Harman et al.			
	*	EP 0830873 A2	03/1998	Ogawa et al.			
	*	EP 0815798	01/1998	Köst			
	*	EP 0812574 A2	12/1997	Mueller et al.			
	*	EP 0807412	11/1997	Pacala et al.			
	*	EP 0807417	11/1997	Pacala et al.			
	*	EP 0797957	10/1997	Mueller			
	*	EP 0797958	10/1997	Mueller			
	*	EP 0207438	01/1997	Germain			
	*	EP 0876803 A2	11/1996	Gambale			
	*	EP 0732089 A2	09/1996	Anderson et al.			
	*	EP 0717969 A2	06/1996	Sepetka et al.			
	*	EP 0714640 A1	06/1996	Stack et al.			
	*	EP 0515867 A2	12/1992	Jeevanandam et al.			
	*	EP 0363661	04/1990	Miller et al.			
	*	EP 0132387	01/1985	Osborne			
	*	FR 1514319	01/1967	Zacouto			
	*	FR 1278965	01/1961	Van Steenbrugghe et al.			
	*	WO 99/53863	10/1999	Vanney et al.			
	*	WO 99/38459	08/1999	Wilk			
	*	WO 99/21510	05/1999	Evans			
	*	WO 98/46115	10/1998	Makower			
	*	WO 98/46115	10/1998	Makower et al.			
	*	WO 98/29148	07/1998	Yang et al.			
	*	WO 98/32859	07/1998	Rosengart et al.			
	*	WO 98/23228	06/1998	Burkoth et al.			
	*	WO 98/25533	06/1998	Hektner			
	*	WO 98/16644	04/1998	Deisher et al.			
	*	WO 98/08456	03/1998	Makower et al.			
	*	WO 98/05307	02/1998	Kaplan et al.			
	*	WO 97/45105	12/1997	Hunter et al.			
	*	WO 97/47253	12/1997	Fine			
	*	WO 97/38730	10/1997	Bertrand et al.			
	*	WO 97/32551	09/1997	Hussein et al.			
	*	WO 97/34540	09/1997	Rudko et al.			
	*	WO 97/42910	07/1997	Bruess et al.			
	*	WO 96/20698	07/1996	Levy et al.			
	*	WO 95/33511	12/1995	Lee			

FOREIGN PATENT DOCUMENTS							
Ex.		Doc. No.	Date	Name	Class	Subcl.	
	*	WO 94/27612	12/1994	French et al.			
	*	WO 94/05265	03/1994	Berde et al.			
	*	WO 91/15254	10/1991	Zimmon			
	*	WO 89/01798	03/1989	Jacobsen			
	*	RU 2026640 C1	01/1995	Kononov			
	*	RU 2063179 C1	07/1996	Ganichev			

OTHER DOCUMENTS (including, Author, Title, Date, Pages, Etc.)							
	*	Abela et al., "Laser revascularization: where are its prospects?" <i>Journal of Cardiovascular Medicine</i> 977-984 (09/1983)					
	*	Abela et al., "Use of laser radiation to recanalize totally obstructed coronary arteries" (Abstract) <i>Journal American College Cardiology</i> 1:691 (1983)					
	*	Anabtawi et al., "Experimental evaluation of myocardial tunnelization as a method of myocardial revascularization" <i>Journal of Thoracic and Cardiovascular Surgery</i> 58:638-646 (1969)					
	*	Banai et al., "Angiogenic-induced enhancement of collateral blood flow to ischemic myocardium by vascular endothelial growth factor in dogs" <i>Circulation</i> 89:2183-2189 (05/1994)					
	*	Bevans et al., "Intracoronary stents: a new approach to coronary artery dilatation " <i>J. Cardiovasc. Nurs.</i> 7:34-49 (11/1992)					
	*	Chamberlain, "High-tech for the heart" <i>ABC News, Internet address abcnews.com/sections/living/high-tech1113</i> , pp. 1-4 (11/1997)					
	*	Doiter, "Transluminally-placed coilsping endarterial tube grafts" <i>Investigative Radiology</i> 4:329-332 (09-10/1969)					
	*	Favaloro, "Saphenous vein autograft replacement of severe segmental coronary artery occlusion" <i>Anal of Thoracic Surg.</i> 5:334-339 (04/1968)					
	*	Folkman, "Angiogenic therapy for the human heart" <i>Amer. Heart Assoc. Editorial, Circulation</i> 97:628-629 (1998)					
	*	Frandzel, "The perforated heart" <i>Amer. Health</i> 12:11-12 (12/1993)					
	*	Goldman et al., "Experimental methods for producing a collateral circulation to the heart directly from the left ventricle" <i>Journal of Thoracic Surgery</i> 31:364-374 (03/1956)					
	*	Hardy et al., "Regional myocardial blood flow and cardiac mechanics in dog hearts with CO <sub>2</sub> laser-induced intramyocardial revascularization" <i>Basic Research Cardiology</i> 85:179-197 (1990)					
	*	Hartman et al., "The physics of transmyocardial laser revascularization" <i>J. Clin. Laser Med. &amp; Surg.</i> 15:255-259 (1997)					
	*	Hershey et al., "Transmyocardial puncture revascularization" <i>Geriatrics</i> 24:101-108 (03/1969)					
	*	Horvath, "Clinical studies of TMR with the CO <sub>2</sub> laser" <i>J. of Clin. Laser, Med. &amp; Surg.</i> 15:281-285 (1997)					
	*	Ingels et al., "Measurement of midwall myocardial dynamics in intact man by radiography of surgically implanted markers" <i>Circulation</i> 52:859-867 (11/1975)					
	*	Jeevanandam et al., "Myocardial revascularization by laser-induced channels" <i>Cardiothoracic Surg.</i> XLI:225-227 (10/1990)					
	*	Khazei et al., "Myocardial canalization: a new method of myocardial revascularization" <i>The Annals of Thoracic Surgery</i> 6:163-171 (08/1968)					



OTHER DOCUMENTS (including, Author, Title, Date, Pages, Etc.)		
*	Kim et al., "Percutaneous transmyocardial revascularization" <i>J. Clin. Laser Med. &amp; Surg.</i> 15:293-298 (1997)	
*	Kuntz et al., "Novel approach to the analysis of restenosis after the use of three new coronary devices" <i>JACC</i> 19:1493-1499 (06/1992)	
*	Kwong et al., "transmyocardial laser treatment denervates canine myocardium" <i>J. Thoracic Card. Surg.</i> 114:883-890 (12/1997)	
*	Lanzafame, "Louisiana Leapers" <i>J. Clinical Laser Med. &amp; Surg.</i> 15:241 (1997)	
*	Lee et al., "Feasibility of intravascular laser irradiation for in vivo visualization and therapy of cardiocirculatory diseases" <i>American Heart Journal</i> 103:1076-1077 (06/1982)	
*	Lee et al., "Laser-dissolution of coronary atherosclerotic obstruction" <i>American Heart Journal</i> 102:1074-1075 (12/1981)	
*	Mack et al., "Myocardial Angiogenesis as a possible mechanism" <i>J. Clinical Laser Med. &amp; Surg.</i> 15:275-279 (1997)	
*	March, "Transmyocardial laser revascularization: current experience and future direction" <i>J. Clinical Laser Med. &amp; Surg.</i> 15:301-306 (1997)	
*	Martinelli et al., "Intraluminal ultrasound guidance of transverse laser coronary atherectomy" <i>Optical Fibers in Medicine</i> 1201:68-78 (1990)	
*	Massimo et al., "Myocardial revascularization by a new method of carrying blood directly from the left ventricular cavity into the coronary circulation" <i>Journal of Thoracic Surgery</i> 34:257-264 (08/1957)	
*	Mehta et al., "Complications of cardiac surgery" <i>Cardiac Surgery in the Adult</i> , ed. LE Edmunds (New York: McGraw-Hill) Chapter 13:369-402 (1997)	
*	Mirhoseini et al., "Clinical report: laser myocardial revascularization" <i>Lasers in Surgery and Medicine</i> 6:459-461 (1986)	
*	Mirhoseini et al., "Myocardial Revascularization by laser: a clinical report" <i>Lasers in Surgery and Medicine</i> 3:241-245 (1983)	
*	Mirhoseini et al., "New concepts in revascularization of the myocardium" <i>The Annals of Throacic Surgery</i> 45:415-450 (04/1988)	
*	Mirhoseini et al., "Revascularization of the heart by laser" <i>Journal of Microsurgery</i> 2:253-260 (06/1981)	
*	Mirhoseini et al., "Transmyocardial laser revascularization: historical background and future directions" <i>J. Clinical Laser Med. &amp; Surgery</i> 15:245-253 (1997)	
*	Mirhoseini et al., "Transmyocardial laser revascularization" <i>JACC Abstract No.</i> 959-47, p. 416A (02/1994)	
*	Mirhoseini et al., "Transventricular revascularization by laser" <i>Lasers in Surgery and Medicine</i> 2:187-198 (1982)	
*	Obergfell et al., "Transmyocardial laser revascularization (TMLR): relief of angina and increase in treadmill exercise testing in patients with severe symptomatic angina" Abstract p. 325	
*	Piffare et al., "Myocardial revascularization by transmyocardial acupuncture: a physiologic impossibility" <i>Journal of Thoracic and Cardiovascular Surgery</i> 58:424-429 (09/1969)	
*	Riessen et al., "Prospects for site-specific delivery of pharmacologic and molecular therapies" <i>JACC</i> 23:1234-1244 (04/1994)	
*	Rosengart, "Transmyocardial laser revascularization – a technique in evolution" <i>J. Clinical Laser Med. &amp; Surg.</i> 15:299-300 (1997)	
*	Sachinopoulou et al., "Invited review transmyocardial revascularization" <i>Lasers in Medical Science</i> 10:83-91 (09/1995)	

OTHER DOCUMENTS (including, Author, Title, Date, Pages, Etc.)		
	*	Sanborn, "Cardiovascular applications of lasers: searching for a niche" <i>J. Clinical Laser Med. &amp; Surg.</i> 15:243-244 (1997)
	*	Schumacher et al., "Induction of neoangiogenesis in ischemic myocardium by human growth factors, first clinical results of a new treatment of coronary heart disease" <i>Circulation</i> 97:645-650 (12/1997)
	*	Sen et al., "Further studies in multiple transmural myocardial acupuncture as a method of myocardial revascularization" <i>Surgery</i> 64:861-870 (11/1968)
	*	Sen et al., "Transmyocardial acupuncture: a new approach to myocardial revascularization" <i>Journal of Thoracic and Cardiovascular Surgery</i> 50:181-189 (1965)
	*	Spanier et al., "Angiogenesis: a possible mechanism underlying the clinical benefits for transmural laser revascularization" <i>J. Clinical Laser Med. &amp; Surg.</i> 15:269-273 (1997)
	*	Spanier et al., "Role for holmium: YAG lasers in Transmyocardial laser revascularization" <i>J. Clinical Laser Med. &amp; Surg.</i> 15:287-291 (1997)
	*	Spencer, "Clinical experience with thorascopic TMR versus minimally invasive approach" <i>Ann. Thorac. Surg.</i> 65:596-605 (1998)
	*	Vineberg, "Coronary vascular anastomoses by internal mammary artery implantation" <i>Canad. M.A.J.</i> 78:871-879 (06/1958)
	*	Vineberg, "Development of an anastomosis between the coronary vessels and a transplanted internal mammary artery" <i>Canad. M.A.J.</i> 55:117-119 (08/1946)
	*	Waller, "Anatomy, histology, and pathology of the major epicardial coronary arteries relevant to echocardiographic imaging techniques" <i>J. Amer. Soc. Echocardiography</i> 2:232-252 (1989)
	*	Walter et al., "Treatment of acute myocardial infarction by transmural blood supply from the ventricular cavity" <i>Europ. Surg. Res.</i> 3:130-138 (1971)
	*	Wearn et al., "The nature of the vascular communications between the coronary arteries and the chambers of the heart" <i>Am. Heart J.</i> , IX:143-164 (12/1933)
	*	Whittaker et al., "Laser-mediated transmural myocardial channels do not salvage acutely ischemic myocardium" <i>JACC</i> 22:302-309 (07/1993)
	*	Whittaker et al., "Transmural channels can protect ischemic tissue, assessment of long-term myocardial response to laser and needle-made channels" <i>Circulation</i> 93:143-152 (01/1996)
	*	Whittaker, "Detection and assessment of laser-mediated injury in transmural revascularization" <i>J. Clinical Laser Med. &amp; Surg.</i> 15:261-267 (1997)
	*	Wilensky et al., "Methods and devices for local drug delivery in coronary and peripheral arteries" <i>TCM</i> 3:163-170 (1993)

Examiner:	Date considered
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. An \* indicates references that do not require a copy to be provided under 37 C.F.R. §1.98(d) because a copy was previously cited or submitted in a prior application, which is relied upon under 35 U.S.C. §120.